

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DARREN FORTUNATO,)	
)	
Plaintiff,)	2:11-cv-01232-LRH-CWH
)	
vs.)	<u>ORDER</u>
)	
THE CBE GROUP, INC., <i>et al.</i> ,)	
)	
Defendants.)	

This matter is before the Court on Plaintiff's *Ex Parte* Request for Scheduling Conference (#9), filed September 12, 2011. Pursuant to Federal Rule of Civil Procedure 26(f)(1), unless a proceeding is exempted or the court orders otherwise "the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b)." This Court's Local Rules require the plaintiff in an action to "initiate the scheduling of the Fed. R. Civ. P. 26(f) meeting within thirty (30) days after the first defendant answers or otherwise appears." *See* Local Rule (LR) 26-1(d). "Fourteen (14) days after the mandatory Fed. R. Civ. P. 26(f) conference, the parties shall submit a stipulated discovery plan and scheduling order." *Id.*

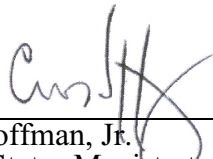
This action is not exempted from initial disclosure under Rule 26(a)(1)(B) and there is no indication from this *ex parte* request that Plaintiff has initiated a Rule 26(f) conference for purposes of submitting a stipulated discovery plan and scheduling order. As the answer was filed on August 25, 2011 (Dkt. #7), Plaintiff has thirty-days, or until September 26, 2011, to initiate a scheduling conference with the opposing party. The topics generally covered during that conference are set forth in Federal Rule of Civil Procedure 26(f)(3) as well as LR 26-1. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's *Ex Parte* Request for Scheduling

1 Conference (#9) is **denied**.

2 **IT IS FURTHER ORDERED** that the parties shall meet and confer in good faith
3 regarding a proposed discovery plan and scheduling order by September 26, 2011. The
4 conference shall be initiated by Plaintiff.

5 DATED this 13th day of September, 2011.

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C.W. Hoffman, Jr.
United States Magistrate Judge
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